

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No.: 1:19-cv-1179-CCE-JLW**

**CENTER FOR BIOLOGICAL
DIVERSITY and SIERRA CLUB,**

Plaintiffs,

vs.

**UNIVERSITY OF NORTH
CAROLINA AT CHAPEL HILL,**

Defendant.

**UNIVERSITY OF NORTH
CAROLINA AT CHAPEL HILL’S
MOTION TO DISMISS
PLAINTIFFS’ FIRST AMENDED
COMPLAINT**

The University of North Carolina at Chapel Hill (“UNC”) hereby moves the Court to dismiss each of the claims in Plaintiffs’ First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) on the grounds that such claims fail to state any claim upon which relief may be granted, and also moves to the Court dismiss Claim III in Plaintiffs’ First Amended Complaint pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure on the further grounds that this Court should not exercise jurisdiction over the matters set forth in Claim III.

In support of this Motion, UNC shows the Court its Memorandum of Law in Support of Motion to Dismiss, which UNC is filing herewith.

This the 23rd day of July, 2020.

/s/ Peter J. McGrath, Jr.

Peter J. McGrath, Jr.

N.C. State Bar No. 13606

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*The University of North Carolina at Chapel
Hill*

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of July, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notices of such filings to registered users.

/s/ Peter J. McGrath, Jr.

Peter J. McGrath, Jr.